
(2013) 05 KL CK 0042

In the High Court Of Kerala

Case No : Writ Petition (C) No. 13747 of 2013

Vasu Kottal

APPELLANT

Vs

Kerala Kalamandalam and Another

RESPONDENT

Date of Decision : 31-05-2013

Acts Referred:

Citation : (2013) 3 KHC 61

Hon'ble Judges : P.R. Ramachandra Menon, J

Bench : Single Bench

Advocate : Santheep Ankarath and Arun Mathew Vadakkan, for the Appellant;
S. Subhash Chand, Standing Counsel, Kalamandalam Uty., for the Respondent

Final Decision : Disposed Off

Judgement

P.R. Ramachandra Menon, J.—The petitioner is the father of a student of the first respondent Kerala Kalamandalam. He is aggrieved of the inaction on the part of the respondents in solving the menace of political intrusions in the campus of the institution, which according to the petitioner spoils the career of students. The petitioner points out that, because of frequent strikes and such other activities in connection with the political activism, about 27 days were lost in the previous academic year and that, no effective steps are being pursued by the respondent/s to prevent such objectionable activities within the premises. The unique teaching method of Kalamandalam and its high pedigree is sought to be highlighted in the writ petition. It is pointed out by the learned Counsel for the petitioner that because of the action of undesirable elements, who are behind the curtain and who are desirous of causing intrusion by making use of campus and students to propagate their political ideology, cordial atmosphere in the campus is spoiled, also adversely affecting the studies and teaching. It is pointed out that the teaching method imparted in the Kalamandalam is "Gurukula" type, where the students are residing within the campus. It is also pointed out that there is a duty cast upon the respondents to prevent such political activities within the premises/campus; more so in view of the law declared by this Court in Sojan

Francis Vs. M.G. University, , Kerala Students Union Vs. Sojan Francis, and in S.N.M. College Vs. S.I. of Police,

2. Heard the learned Standing Counsel appearing for the respondents as well.

3. With regard to the position of law, the important aspect to be considered is, whether any fundamental right is violated, if such activities are prevented/banned within the premises. This issue was considered at length by a Division Bench of this Court as per the decision in Sojan Francis Vs. M.G. University, It was observed that, an educational institution has got the freedom to prohibit political activities within the college campus and forbid the students from organizing or attending meetings other than official ones within the college campus and that the same is not violative of Article 19(1)(a) or 19(1)(c). It is true that a review petition was filed by some of the aggrieved parties/persons and the matter came up for consideration before the Bench again, when all the concerned students' organisations were given an opportunity of hearing. After hearing, the review petition was dismissed as devoid of any merit, making some observations, which decision has been rendered in Kerala Students Union Vs. Sojan Francis, The issue had come up for further consideration before this Court again in another case and the position was reiterated by another Division Bench in S.N.M. College Vs. S.I. of Police, whereby it has been asserted that Students' Unions have no right to set up their units within the college campus or to start their Union activities within the premises. In the above circumstances, this Court finds that the grievance projected by the petitioner by way of Ext. P1 before the second respondent has to be considered and finalised giving utmost precedence and preference. In the said circumstances, the second respondent is directed to consider Ext. P1 and pass appropriate orders, in accordance with law, taking necessary steps to redress the grievance projected by the petitioner. This shall be given effect to, also considering the mandate of the decisions cited supra, which shall be done at the earliest, at any rate within "one month" from the date of receipt of a copy of this judgment.

The Writ Petition is disposed of.